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# D.C. Judge Rules Biden's Eviction Moratorium Can Remain In Place, Makes Clear She Thinks It's Illegal - Activist Post

3-3 minutes : 8/13/2021



By [Tyler Durden](#)

A federal judge in Washington, D.C., on Friday **rejected a request from a group of landlords to block the Biden administration's renewed eviction moratorium**, appearing to overrule The Supreme Court's ruling that the moratorium is unconstitutional.

[As The Hill reports](#), the ruling by U.S. District Judge Dabney Friedrich, a **Trump appointee**, leaves intact the Centers for Disease Control and Prevention's (CDC) **new freeze on evictions, which is set to run until early October**.

Judge Friedrich said that she **does not have the authority to halt the eviction ban, and any stop to the moratorium must come from a higher court**.

In other words, she punted it up the chain of command...

**To lift the stay, the plaintiffs must accordingly seek relief before the D.C. Circuit**, which may depart from the

law of the case when there is an “intervening change in controlling legal authority,” LaShawn A., 87 F.3d at 1393, or when a previous decision was “clearly erroneous and would work a manifest injustice,” Christianson v. Colt Indus. Operating Corp., 486 U.S. 800, 817 (1988) (citation omitted).

***Though she made clear she thinks it's illegal.***

“It is true that the Supreme Court’s recent decision in this case strongly suggests that the CDC is unlikely to succeed on the merits.”

*Full ruling below:*

[Eviction Ruling](#) by [ZeroHedge](#)

Interestingly, her decision to punt it comes a day after **The Supreme Court struck down part of New York’s eviction ban on Thursday**, leaving thousands of renters in the state at risk of being forced out of their homes.

The court’s order Thursday focused on the state’s policy of allowing tenants to self-attest that they’ve experienced a Covid-related hardship, rather than documenting the setback with evidence.

***“This scheme violates the court’s longstanding teaching that ordinarily ‘no man can be a judge in his own case,’”*** the majority [wrote](#).



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Five New York landlords and one landlords’ association brought the challenge against the ban.

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